

JACKSON'S LL.D.
A TEMPEST IN A TEA-POT.

BY
ANDREW McFARLAND DAVIS.





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JACKSON'S LL.D.—A TEMPEST IN A TEAPOT.

FROM 1780 to 1880 inclusive, the gubernatorial chair of the State of Massachusetts was filled by twenty-eight persons, each of whom, with the exception of Increase Sumner, who was governor from 1797 to 1799, received from Harvard College, either before or during his term of service, the degree of LL.D. By far the greater number of these degrees was conferred at the first Commencement after the incumbent was inducted into office. Many of the governors were elected from year to year, and were present at Commencements on several successive occasions, passive spectators after their official presence had been once thus recognized. The effect of this was of course that the number of degrees thus conferred was much smaller than the years of service; but an analysis of the records shows that out of the twenty-eight persons who held the office of governor of Massachusetts during this period, twenty-three were made honorary Doctors of Law by Harvard College simply because they were governors of the State, that four when elected had already received the degree, and that of the whole number one alone was not thus honored.

The election of Benjamin F. Butler in 1883 furnished an opportunity for those who were opposed to this custom to break away from it, and since his day no governor of Massachusetts has received a degree while in office as a part of the regular Commencement exercises. It is true, a degree was conferred upon Butler's successor, while governor, but it was on the occasion of the two hundred and fiftieth anniversary of the founding of the college and not on Commencement day, and was not a purely *ex officio* degree.

Those familiar with the early history of the college, when it was constantly assisted by the colony and was to all intents and purposes a State institution, will understand why it was

practically regarded as under the tutelage of the State long after it had ceased to require governmental aid for its support. Down to the year 1866 the graduates of the college had no voice in the appointment of the Board of Overseers. In the days of the colony, the Governor, the Deputy Governor, the Magistrates in conjunction with the teaching elders "of the six towns next adjoining," and the President of the College constituted the Board. In the days of the province the Governor, the Lieutenant-Governor, and the Council took the place of the colonial officials designated as Overseers, and when the constitution of the State was adopted in 1780, the State control was asserted through the provision in that instrument that the Governor, the Lieutenant-Governor, the Council, and the Senate were to be deemed the successors of the Board as previously constituted, so that even after the enlargement of the Board by adding fifteen Congregational clergymen and fifteen laymen, the State retained what was practically a predominant voice in the oversight of the affairs of the college until it was specifically relinquished in 1866. If these facts are borne in mind, it will be seen that it was natural that the college should confer such honors as were at its disposal upon the governor, the *ex officio* president of the Board. If it be asked why the practice did not begin earlier, the answer will be found in the fact that in the days of the colony no honorary degrees were given. The first assertion on the part of the college of its right to exercise this power occurred in the infancy of the province during the presidency of Increase Mather, when those having the power to do so were inspired with the idea that it would be a good thing to confer the degree of S.T.D. on Increase Mather. Then followed eleven years during which Mather's name stood alone on the list of honorary degrees conferred by Harvard College, after which came a time when degrees were sparingly conferred upon learned men. The constant bickering between the Royal Governors and the Provincial Assembly sufficiently explain why the custom of thus recognizing the governor was not inaugurated while the Royal Governors were at the head of the government. With the adoption of the constitution of the State and the better feeling towards the elective governor came the opportunity for establishing the custom. John Hancock, the first governor, did not however receive a degree during his first term of office,

but in 1792, when he was a second time called to the gubernatorial chair, the degree was conferred upon him while in office, thus marking him as the first in the series of governors who received the degree during service. It can therefore be said that the custom began with him.

As we run over the list of the Presidents of the United States, we see that nine of them have received the degree of LL.D. from Harvard College.¹ Four of them — Monroe, Jackson, Grant, and Hayes — were in office at the time when the degree was conferred. When Washington visited Cambridge in 1789, he had already been honored by the college with a degree. So also at that date had John Adams and Thomas Jefferson. It was not until Monroe visited Cambridge in 1817 that the authorities of the college were brought face to face with the question of how a President upon whom a degree had not already been bestowed should be honored by the college. The precedent then established of conferring a degree as a part of the ceremony of reception has apparently been accepted as the basis for a custom. If Cleveland did not receive a degree in 1886, it was because he was unwilling to do so. The name of McKinley does not appear in the honorary roll of the Harvard Quinquennial, because his untimely death at Buffalo prevented the promised visit to Massachusetts.

There have always been those who deplored the conferring of a degree as a mere ceremonial rite, based upon the fact that the recipient was the temporary holder of a certain office, whether governor or president. A degree granted under such circumstances does not of necessity represent the right of the receiver to the recognition in the field of letters to which the holder ought to be entitled. For this reason there have always been remonstrants against the practice, and if they have not been powerful enough to break up the custom in the case of Presidents of the United States, it is probably because of the feeling that it is an honor to the college to have the names of such distinguished men upon the catalogue. Moreover, the argument has always been regarded as powerful that one intrusted by the people of the United States with the discretion to render inoperative such of the legislation at

¹ George Washington, 1776; John Adams, 1781; Thomas Jefferson, 1787; James Monroe, 1817; John Quincy Adams, 1822; Andrew Jackson, 1833; Ulysses S. Grant, 1872; Rutherford B. Hayes, 1877; Theodore Roosevelt, 1902.

Washington during his term of office as met with his disapproval was certainly to be regarded as worthy of a mere honorary degree of Doctor of Laws, whatever his literary attainments.

It is quite probable that the conferring of the degree of LL.D. upon Jackson gave rise to more criticism and caused more genuine opposition than did all the other presidential degrees of the *ex officio* class taken together. The intensity of political partisanship at that time and the illiteracy of Jackson sufficiently explain the violence of this opposition. Josiah Quincy, an old-line Federalist in politics and a man who could hardly have been in sympathy with Jackson, was then at the head of the college. Neither the Corporation nor the Board of Overseers could have been suspected of partisanship in thus honoring Jackson. The Council and the Senate then formed a part of the Board, and if politics were to enter their discussions must have had the power to control. The party opposed to Jackson prevailed in both of these bodies. There were, however, certain blunders made in calling the meeting of the Overseers which was summoned for the purpose of confirming the degree, and these furnished the basis for an acrimonious discussion in the Board. Details of this discussion found their way into the newspapers of the day, and caused partisans to array themselves on different sides of the question according as they approved or disapproved of the degree being granted by the college. The main arguments which underlie this discussion are trite and uninteresting, but there is something of the picturesque in the story of the contest which may perhaps justify its reproduction to-day.

It was in the spring of the year 1833, just after Jackson's triumphant re-election, that he concluded to follow in the footsteps of Washington and Monroe and make a Northern presidential tour. No better time could have been selected by him. His attitude towards the nullification scheme of the South Carolinians had made him many friends in the North, while his avowed hostility to the United States Bank was not as yet accepted for its full value.

It is not probable, however, that the question of Jackson's popularity or unpopularity had any influence upon the Corporation of Harvard College in the determination of the question of what they should do when he should reach Boston.

For information as to the precedent established in 1817, when Monroe visited Cambridge, they turned to the records of the college and caused to be copied the several resolutions passed by the Fellows and the Overseers on the occasion of his reception. To do more or to do less than was done then would, it was argued, savor of partisanship. To repeat exactly the ceremonies of that occasion would be merely to accept an established custom.

It was found that on the 12th of June, 1817, the Corporation passed the following vote:—

“The President of the United States being expected to visit this part of the Union:—

“*Voted*: That the President of the University¹ be desired to pay his respects and those of the Corporation to President Monroe, and in the name of the Board, and of the several members of the University to request him to honor the University with his presence at such time as may be most convenient and agreeable.”

This vote was preliminary in its nature. If the President should decline, then there would be no question concerning the degree. Presumably Monroe formally accepted. At any rate, on the 30th of June, 1817, the Corporation voted to confer the degree “provided it be agreeable to him to receive it,” and at the same time instructed the president of the university “to lay the vote relative to the degree before the Overseers at a meeting to be called on Thursday next, that they may concur in the same, if they see fit, at that time, as the circumstances of the case have not allowed the usual notice to be given.”

These proceedings were repeated in the case of Jackson, the fidelity of reproduction extending even to an Overseers’ meeting of which the usual notice could not be given. The necessity for such haste at the last moment may, perhaps, be explained by the uncertainty which attended Jackson’s movements. Under the conditions which then controlled travel and mails, it was impracticable to convey information to him

¹ Quincy, in his *History of Harvard University*, quotes a paragraph from the State Constitution, and then adds, “The indiscriminate use of the terms ‘*College*’ and ‘*University*’ in the Constitution of the Commonwealth was considered as sanctioning the latter designation, which has ever since been applied to this institution, except in such legal instruments as require its corporate name for validity.” (Vol. ii. p. 176.)

of the purposes of the Corporation with any certainty that he would be able to forward a reply in advance of his own arrival.

The preliminary vote requesting him to honor the University with his presence was passed by the Corporation June 3d, and to that vote was attached an additional clause to the effect that, in case of Jackson's "compliance, the same measures be adopted as in the case of President Monroe."

It is obvious that this vote involved the tender of a degree to General Jackson in case of his "compliance," but the element of uncertainty on this point subsequently furnished an excuse, possibly an adequate excuse, for the neglect to communicate this transaction to the Overseers for approval at their meeting three days thereafter on the 6th of June. On the 13th the Corporation, notwithstanding the fact that they had not yet heard from Jackson, voted to confer the degree provided it would be agreeable to the President to receive it, and requested the president of the university to call a meeting of the Board of Overseers at Cambridge on the day the President of the United States would be there in order that they might concur if they saw fit. The day when Jackson would arrive was then unknown, and provision was made in this vote for a hurried notice of the meeting, "as the circumstances of the case," to follow the language of the vote, "would not allow the usual notices to be given."

Jackson arrived in Boston Friday, June 21st; but so uncertain were his movements that it was not until the preceding Wednesday that Governor Lincoln had ascertained positively that he was coming. On Thursday, the 20th, actual knowledge of Jackson's impending approach being current in Boston, the Corporation voted "that the President call a meeting of the Board of Overseers on Saturday next at such time and place as he may deem expedient to ascertain if they will confer a degree of LL.D. on Andrew Jackson if he should accept the same." When this vote was passed, President Quincy was still ignorant whether Jackson would visit the university, or if he did whether it would be agreeable to him to receive a degree. To cover these points a letter was written, directed to Jackson at Providence, and provision was made for its delivery by a special agent who was charged with ascertaining specifically his answer to these two questions. This mission was

satisfactorily performed, and the answer was received on the 21st, the same day that Jackson arrived in Boston. Meantime, in order to make provision for a hurried call together of the Board of Overseers, Quincy had written to the secretary of the Board and secured forty blank notices of meeting signed by the secretary.

The rules of the Board governing notices of meetings were at this time, according to Dr. Pierce the secretary, to be found in a report of a committee made to the Board in 1810, and in votes passed by the Board in 1822 and 1825. The prescribed method of notifying meetings prior to 1810 was set forth by the committee as follows: "by written or printed messages, left at the house or delivered in the hands of each member of the Board belonging to either of the six neighboring towns." In the report then submitted and accepted it was recommended that the written or printed notifications should be sent to all the elected members, also to the Governor, the President of the Senate, and the Speaker of the House, whenever the Council or the General Court were in session. May 7, 1822, it was voted to require the secretary, in addition to the rule then in force, whatever it was, to publish in at least two of the newspapers printed in Boston, notifications of meetings at least seven days previous to such meetings, "except in those cases in which the urgency of the business to be transacted requires a shorter notice." June 10, 1825, it was voted that during the session of the General Court the secretary be required to send notices to the Governor asking him to invite the attendance of the Honorable Council, to the Lieutenant-Governor, to the President of the Senate asking him to invite the attendance of the Honorable Senate, to the Speaker of the House of Representatives, and to the permanent members of the Board who are not of the Council or Senate.

It is evident, from what took place, that Dr. Pierce's interpretation of the rules as they stood upon the records was that personal notice was required only in case of residence in one of the six neighboring towns, and that publication in the newspapers was only called for in case there should be time to give the seven days' notice mentioned in the rule.

It is clear that the rule of 1825 did not contemplate any special notice to the State officials who were *ex officio* mem-

bers of the Board, when the General Court was not in session ; but, on the other hand, there were certain senators, residents of the neighboring towns, who attended meetings of the Board under circumstances which indicated that they must have received notices of meeting under that clause of the standing rule which provided for notifying members resident in the six neighboring towns.

In calling regular meetings it had been the custom for the secretary to avail himself of the services of the subordinates in the president's office, to secure the delivery of the notices. The forwarding at this time of the forty blank notices bearing his signature to the president was therefore, in accordance with this regular custom, except that, the time and place of meeting being contingent, it remained for the president to cause these blanks to be filled in. Moreover the secretary, even if he had wished to do so, could not have published the notice of meeting, since he did not know when or where it was to be held. Just who the forty to be notified were does not appear, but it would seem as though the notices were intended for members of any class, elective or *ex officio*, upon whom personal service could be made.

Dr. Pierce records in his diary that Jackson appointed Monday, the 24th of June, for his reception at Cambridge. Quincy on the 20th — before he knew positively when Jackson was to arrive — had written Governor Lincoln at Worcester and enclosed a blank notice of meeting. This letter did not reach Worcester until the governor had left for Boston, where he had much to do to arrange for the share of the State in Jackson's reception ; but Quincy, on the 21st, on receiving Jackson's reply to his letter, had an interview with the governor, who agreed to call a meeting of the Council next morning at nine o'clock, when a simultaneous meeting of the Board of Overseers, of which the Council formed a part, could be held. Quincy then went to Cambridge, where all the arrangements for the reception of Jackson and for notifying the members of the Board still required attention. It was obvious that he needed all the assistance that was at his command to mature his preparations in so short a time. He intrusted the filling out of the notices and all arrangements for their delivery to the steward of the college, giving him especial instructions to cause a personal delivery to be

made to each member of the Board residing in either of the six neighboring towns. The steward, in turn, realizing that it was impossible for himself alone to make all these deliveries within the allotted time, passed on the labor of filling in some of the blanks and of their delivery to the only available person to whom he could turn for assistance. It was absolutely necessary that conveyances of some sort should be supplied if the deliveries were to be accomplished, but on looking about for horses it was found that but one was to be had in Cambridge. Everybody had gone to Boston to the reception of Jackson. Delegating the deliveries in Dorchester, Brookline, and Roxbury to his assistant, the steward himself assumed Watertown and Charlestown for his personal field, and under the circumstances concluded that the only way of getting the Boston notices delivered was to violate his instructions and put them in the mail. This he did, being assured that they would be in the Boston Post-Office by six o'clock that evening.

The result of delegating the duty of filling out the notices to a person unaccustomed to the work, and the violation of the instruction to make personal deliveries in Boston, were each of them disastrous. The failure to receive notices sent through the mail in time for the meeting was afterward complained of by some of the Overseers, and the despatch of a blank notice to Hon. James Trecothick Austin, a prominent anti-Federalist and an active politician, led to serious criticisms of the whole proceeding and caused animadversions to be cast upon the methods employed. Politics were then in a transitional stage. The Democratic party had in the recent election assumed some sort of shape as a national organization, although Jackson's re-election was largely a personal triumph, and the party was still known in some parts of the country under the name of the Republican, or Jackson Republican. The old Federalist party had, however, gone to pieces, and it is difficult to tell just where at that time one might expect to find men who had been devoted to it in its day of power. Governor Lincoln had been originally elected practically without opposition, but in the fall of 1832 he was opposed by a Democratic and an Anti-Masonry candidate. Edmund Quincy says that his father continued to call himself a Federalist as long as he lived. He does not appear to have been an "abolitionist," but he took repeated occasion while in Congress to record his belief that

“slavery” was inconsistent with Republicanism. Austin was an active, aggressive politician. He was then Attorney-General of Massachusetts. He was chairman of the committee of organization of the National Republican Convention which met in Worcester October 5, 1833, and was chairman of the committee appointed to announce to John Davis of Worcester his nomination by that convention as governor. Such was the man to whom, in violation of the rule, was mailed on the 21st a blank notice of a meeting which was actually to be held at the State House at nine o'clock A. M. on the 22d. To this must be added that Austin was violently opposed to Jackson, and was not disposed to admit the propriety of following the Monroe precedent.

The Overseers' meeting was duly held in the Council Chamber at the appointed time, seventeen being present, but of the seventeen the governor and the lieutenant-governor counted two; the councillors present counted seven; there were two senators present, and President Quincy and Secretary Pierce, “permanent members of the Board,” furnished two more. Out of the thirty elective Overseers three only can be identified among those who were present. A standing rule of the Board required the submission, a month before Commencement, of honorary degrees voted by the Corporation. This was suspended, and the action of the Corporation in granting Jackson a degree was confirmed without opposition. Austin was not present. He received his notice of the meeting with his morning mail, but found out when and where it was to be held too late to be present. He went to the State House only to find “the doors guarded by constables and preparations making for the reception of President Jackson.”

These events occurred on the 22d. Jackson had appointed Monday the 24th for his reception at Cambridge, but he was not in good health and the fatigue of travelling was too much for him. In consequence of his indisposition the trip to Cambridge was postponed to Wednesday, the 26th, when the reception took place and the degree was duly conferred.

Quincy, in his address to the President, referred to the nullification proceedings as follows:—

“Permit us, sir, on this occasion to congratulate you on the happy auspices under which your second term of administration has commenced, on the disappearance of those clouds which of late hung so

heavily over the prospects of our Union, and which your firmness and prudence contributed so largely to dissipate."

Jackson's approach to Boston, the probable manner of his official reception by the State, and the question of what would happen at Cambridge, naturally attracted public attention and stimulated discussion. The "Boston Daily Atlas" of June 18th said: "Let them make known to the President that his high office claims our respect, but do not let them profess any respect for the man."

On the 21st the same paper said, —

"We see in the present visit a political object of which we are not the dupes. . . . The power of the President has not terrified us. Our best men have been driven from the country, our honorable men have been forced from the public service, but we have not crouched under the terror of his arm."

The ceremonies at Cambridge were criticised or applauded by the newspapers according to the politics of the publication. "The Mercantile Journal" of the 26th concluded an account of the exercises at Cambridge that day as follows: —

"It is the general opinion that nothing could have been more happy in its results than this visit. There was no adulation, no extravagance, no cheering, but everything was done in a modest, quiet, respectful manner, and to the perfect satisfaction, we believe, of all parties concerned."

The "Atlas" of the 27th, after recounting the satisfactory nature of the ceremonies of reception at Boston, added: —

"We cannot say so much of what was done in the neighborhood. How muchsoever of honor the ancient University of Cambridge may have reflected upon the President in conferring upon him the degree of LL.D. we must confess that, in our opinion, this proceeding reflects no honor upon the University."

On the 1st of July the same paper called attention to the fact that the people had nothing to do with the reception of the President at Cambridge. "The Corporation of the University who had the sole management," said the writer, and here it will be noted that a bit of personal venom obtrudes in the discussion, "consists of but seven individuals, of whom three are said to govern the rest."

The "Globe" of July 7th justified the university for its course in granting the degree, not only because it followed the precedent already established as to the reception of Presidents, but also because degrees were conceded in foreign universities "to almost every species of eminence connected with intellectual and moral superiority in arts and in arms." The "Courier" of the 8th republished the comments of the "Globe," characterizing them as "judicious remarks in reference to a proceeding which some seem disposed to make a subject of petulant ridicule." On the same day the "Courier" surrendered considerable space in its columns to a correspondent who signed himself "Candor," who justified the degree on the ground of precedents here and in England; defended Jackson from illiteracy; showed that the Doctorate of Law was conferred as well upon warriors and philanthropists as upon those learned in the Law, and after alluding to Jackson's fame in many countries in consequence of the victory at New Orleans, wound up his communication with the statement that "the oldest university in the country has had the independence and justice to join in the general voice of praise." The "Courier" editorially called attention to this communication, and said that Jackson was "as justly entitled to the compliment of an honorary degree as many others who have received it without the accompaniment of so much sneering and derision." The "United States Telegraph" and the "New York Commercial Advertiser" were mentioned as "among the forward in censuring the proceedings of Harvard University," and from the latter paper the "Courier" quoted a statement that Jackson was "alike incapable of giving a correct construction to a statute, or to write even a common letter with decent grammatical or orthographical accuracy."

The "Courier" also quoted from the "National Intelligencer" a criticism of the act of the university, in which that paper said:—

"To those at a distance, however, it looks too much like a refinement of adulation, a gratuitous dispensation of literary honors not called for, and hardly to be justified, even on the grounds of courtesy."

To this quotation the "Courier" added:—

"Now with all deference it seems to us that General Jackson is the very man of all others entitled to this honorary degree."

Squibs began to appear in the papers ridiculing the college for its part in the transaction. "Lectures on Political Economy by Andrew Jackson LL.D." were referred to by the "Atlas." Under the heading, "Doctor Jacksoniana" the same paper on the 3d of August reprinted from the "New York Commercial Advertiser" an anecdote the pith of which rested upon the allegation that Jackson in ordering some flour had written, "Thee flower I wish to have of the Virginia brand." This was made the basis for a comment upon "the absurdity of conferring a literary degree upon a man so notoriously ignorant as Doctor Jackson," and the whole was introduced with the following preamble: "We have been furnished with another delicate flower to add to the bouquet of Jackson literature which we take leave to present to the learned faculty of Harvard University."

Parton, in his *Life of Jackson*, speaking of the conferring of the degree, says: —

"These ceremonies, of course, gave the wits of the opposition an opportunity — which they improved. Major Jack Downing,¹ whose humorous letters amused the whole country this summer, records that when the President had finished his speech at Downingville, he cried out to him, 'You must give them a little Latin, *Doctor*.' Whereupon the President, nothing abashed, 'off hat agin,' and thus resumed, 'E pluribus unum, my friends, sine qua non.'"

The humor of this joke has survived, but in its present form is associated with the exercises at Cambridge. In a recent review of a *Life of Jackson*, in the "Spectator" of June 2, 1906, the writer says: —

"When the Harvard degree of D.C.L. was conferred on the President in a Latin Oration, he modestly declared that the only Latin he knew was 'E pluribus unum.' This was travestied into an eloquent harangue with the striking peroration: 'Caveat emptor; corpus delicti; ex post facto; dies iræ; usque ad nauseam; ursæ major; sic semper tyrannis; quid quo pro quo; requiescat in pace.'"

The "Salem Register" of July 10, 1833, reported the following as one of the toasts given at a public dinner at Salem

¹ The Downing letter was reprinted in the "Boston Semi-Weekly Courier" of July 8, 1833, from the "New York Daily Advertiser," the letter being dated June 29, 1833, Downingville. Major Jack Downing was the nom-de-plume of Seba Smith, of Maine.

on the Fourth of July : " Andrew Jackson — In war a hero — In politics a statesman ; in literature LL.D. and A.S.S." ¹

Such are some of the specimens of humor and of venom with which the newspapers teemed for a time after the degree was conferred upon Jackson ; and lest the ephemeral character of these thrusts should disappear too soon, a copper medal or token was struck bearing on one side the effigy of an ass labelled LL.D.²

The wrath of Austin, nursed by these contemporaneous reminders and stimulated by the excitement of the gubernatorial contest in the fall of 1833, when John Quincy Adams, the Anti-Masonry candidate, pressed the " Nationals " very close and with the aid of the vote for the " Jacksonian " candidate threw the election into the legislature, bided its time and after politics had settled a little struck its blow. The opportunity came at a meeting of the Overseers held on the 9th of January, 1834, when the Attorney-General moved that a committee be appointed to inquire whether in the calling of special meetings there had been a departure from the rules prescribed by the Board. He referred to the fact, well known to the Board, that such a meeting had been held where notices of the meeting did not reach many of the Overseers until after the transaction of the business for which the Board was convened, and he called upon the secretary for the rules of the Board for calling meetings. Hon. George Blake, senator from Suffolk, thought such a committee unnecessary. The secretary, however, in response to Mr. Austin's request for

¹ The Med. Fac. conferred the following honorary degree upon the President : " Andreas Jackson, Major General in bello ultimo Americano, Et *Nov. Orleans Heros* fortissimus ; et *ergo* nunc Præsidis Rerumque Fœd. Muneris *Candidatus* et ' Old Hickory,' M.D. et M.U.D. 1827, Med. Fac. honorarius, et 1829 Præses Rerumpub. Fœd. et LL.D. 1833." A Collection of College Words and Customs by B. H. Hall, Cambridge, 1856, p. 319.

² This is described by Dr. Malcolm Storer, Curator of Coins, Harvard University, in the following terms :—

"The ' Hard Times Token ' or ' Jackson Copper ' you inquire about is described as follows :—

Obverse — Inscription — I TAKE THE RESPONSIBILITY.

Type — An iron-bound chest from which protrudes the upper half of a man with shock hair (Jackson) in military uniform, holding sabre in right hand and money bag in left :

Reverse — Inscription — THE CONSTITUTION AS I UNDERSTAND IT.

Type — An Ass with on its side LL.D. Above, ROMAN FIRMNESS. Below, VETO."

information, stated what the rules were, and added that in the case of the only special meeting of which he knew he had furnished blank notices to the president to be by him filled out and forwarded.

President Quincy inquired as to the object of the gentleman. Mr. Austin replied that his motive was general. He hoped no one would shirk from the inquiry. Quincy, who seems to have foreshadowed this investigation, then read a written statement relative to the Overseers' meeting of the 22d of June, setting forth in substance the facts which have just been stated, the reading being for the purpose, he said, not of preventing inquiry, but of avoiding misapprehension. He then went on to say that Governor Lincoln had received on the morning of the meeting a blank notice. For this neglect an explanation was made, but no apology was offered. The emergency of the case was its own apology. Nor had he any apology to offer to Mr. Austin for the blank notice sent to him. He had tendered the same explanation to him. He regretted that Mr. Austin had not received his notice and that he had not accepted the explanation. He had no objection to the appointment of the committee.

Judge Davis¹ sought to pour oil on the waters. If any inquiry was to be made, let it be general. He commended the fidelity, integrity, and promptness of the president of the university in the discharge of the duties which had devolved upon him, and he hoped that the gentleman who made the motion would, with a due regard for good-humor and courtesy, let this business subside.

Senator Everett² of Suffolk was not disposed to accept this solution. The motion was general, there was no inference of impropriety on the part of the president of the university, but it was a fact that there had been a meeting for which no notice had been given to a considerable number of members. He himself had not received his notice through the post-office until two days after the meeting. The explanation of the president was satisfactory as far as it went, but the failure to publish notice, even if the time were short, required explanation. There was some discussion on this point, the president and secretary arguing that under the rule publication was not

¹ Hon. John Davis, a native of Plymouth, but then living in Boston.

² Alexander H. Everett.

under the circumstances required, and Mr. Everett contending that it was.

The support of Everett inspired Austin with renewed vigor, and he returned to the assault in a bellicose state of mind. His motion did not refer to any particular meeting, he said, and he presumed that there would be no objection to a general inquiry whether the meetings of the Board had been held formally. The president had apparently anticipated such an inquiry and came prepared for it. The paper which he read, though nominally it did not offer objection to an inquiry, was actually an answer to the questions under discussion, and would have the effect of preventing an inquiry. He (Austin) was not ready on the moment to answer this prepared statement. He had not intended to name this particular transaction in connection with his motion. "But," said he, "since it has been brought into the discussion I will say that this subject of the creation of a literary noblesse, raised up by that gentleman, by means of University degrees, may admit of a good deal of inquiry. To one man he gives a learned degree for his literary reputation, to another for making picture books, and to another it would puzzle the Corporation or any one else to tell for what." The Board of Overseers, he said, was the popular branch of the university government. It was their duty to impose checks "upon the seven who managed the University." The case of Monroe did not afford a precedent. The rules have been entirely modified since his day. It may have been difficult to notify the Board, but they were not to be set aside because a horse could not be found to carry a message. He then claimed that the president of the university without the consent of the Overseers tendered a degree to Jackson if he would accept it. "The Corporation," he said, "assume to act for the whole Board. They say to President Jackson, 'We are the Archons of literature in Massachusetts, and we consider you worthy of the highest literary degree we can confer upon you, and we promise we will give it to you if you will accept it. We have promised, and the Board will perform. We will get our friends together, and they will confirm what we have done.'"

He then went on to discuss the question of notices, analyzed the composition of the Board meeting of the 22d, and alluded to his own experience when he made the effort

to attend the meeting. With regard to the blank notices, he said: "A measure is to be got up, as in the case referred to, about which there may be a difference of opinion. Blank notices are issued, and so it happens that some gentlemen receive their notices who are favorable to the measure; and so it happens that others who might be supposed not to be favorable to it get no notice or get it too late. All by accident, no doubt. I am only supposing a case." Passing then to the personal explanation made to him, he said: "It was the violation of the rules, which required explanation to the whole Board. No, sir! let the committee be appointed and let the president have the benefit of the report of that committee in his favor, if he can get it."

This motion was carried without discussion, and the president named for the committee Messrs. J. T. Austin, A. H. Everett, and G. Blake (the last in place of Judge Davis, who declined to serve). These proceedings were reported in full and published in the "Daily Advocate," Saturday, January 11, 1834.

Then for a brief period Dr. Pierce and Governor Lincoln were kept busy answering letters from Quincy and Austin. The chairman of the committee wanted information from the secretary of the Board as to existing rules for the notification of meetings, as to who was present on the 22d, and also as to what degrees had been conferred during his (Austin's) term of office as Overseer. He sought to ascertain from the governor all about the blank notice which had been sent him by Quincy, and he asked the president to furnish him with a copy of the statement read to the Board. The president of the university wrote repeatedly to the governor, seeking to derive some aid from him on points connected with the notice sent to Worcester, where the governor's memory was not so serviceable as the president desired. It was evident from the correspondence that the governor was disgusted with the attack on Quincy, but in the press of business consequent upon Jackson's reception he had not bestowed much thought on the matter. The secretary sent the president a copy of his correspondence with Austin, gave him a detailed account of what he remembered concerning an interview with Austin in the presence of Dr. Porter¹ at the State

¹ Rev. Dr. Eliphalet Porter, a Fellow of the College from 1818 to 1833. He died while this discussion was going on.

House when Austin arrived too late for the meeting, on which occasion Quincy explained to Austin how the omission in his notice must have occurred. The secretary also gave a copy of the vote of the Overseers recommending the Corporation to lay their votes conferring honorary degrees before the Board at least one month before Commencement.

On the 23d of January the report of the committee was presented. It was practically an arraignment of the Corporation for usurping the functions of the Overseers and preventing the Board from exercising their right of ratification in the case of honorary degrees. The committee claimed that the method in which the meeting in question was notified was not in accord with the rules of the Board, and rehearsed the various defects in the notices and in their delivery, to which their attention had been called. The claim was advanced that the interests of the university were not at stake, and that in the interval between the 13th and the 22d there was abundant time to have called a meeting in the ordinary way. The right of the Overseers to be consulted on the question of honorary degrees was asserted. The committee denied that their investigation was devoted to the disclosure of personal responsibility for what had occurred. Their only object was to vindicate the authority of the Board and to protest against any invasion of their rights. The views of the committee were tersely stated as follows: When the "Board are not legally notified they cannot legally assemble, and when they do not legally assemble they cannot legally act." The report called attention to the fact that there was a standing rule of the Board directing that no vote of the Corporation conferring an honorary degree should be acted upon until thirty days after it is communicated to the Board. So tenacious had the Board been in defending its rights on this point, that on one occasion the honorary degrees were deferred until the next Commencement because the Board was determined to adhere to its rules. The report concluded with the statement that the meeting held on the 22d of June was called and holden without such notice as is required by their rules, orders, and usages.

On the 24th the "Atlas" asked, "Why was not this report ordered to be printed?" On the 8th of February the same paper said:—

"We have tried to gratify the curiosity of our readers by presenting to them a copy of the report now under discussion by the Board of Overseers of Harvard College, but have been unable to succeed. At the close of the meetings it is carefully carried to Brookline by the secretary and is as inaccessible as a black letter book in the library. We have applied for a copy of the report to the chairman of the committee, but he does not feel at liberty to permit us to publish it without the direction of the Board."

The article then refers to the fact that on the 3d of June the Corporation indicated by their vote an intention of conferring the degree, but failed to put the vote in such form as to be laid before the Overseers at their meeting on the 6th of the same month. Nor was any reference made at this Overseers' meeting to what had taken place at the Corporation meeting three days before. "We care but little," said the "Atlas," "about the degree. We care less what have been the rules of the Overseers, but arbitrary exertions of power are as little to our taste in the president of the College as in the president of the Union, and if the rules of the Board are so uncertain that everything depends on the discretion of the executive, it is high time these rules were amended."

The quarrel closed with the rejoinder of the president in the Board of Overseers. It was a long and labored defence. He had in the meantime consulted Simon Greenleaf on the law relative to giving notices of meetings to incorporated bodies, he had run down the alleged defective notices, and made up his mind that the blank notice to Austin was, after all, the only one actually issued in this defective form,¹ and by these means had satisfied himself that the call for the meeting was not vitiated by this mistake. At great length he vindicated the "seven Archons of literature" from the aspersions cast upon them and denied that they had promised a degree to the President. They had simply invited him "to accept the usual honors which in like cases his predecessors had accepted." This was not a commitment of the Board of Overseers. The Corporation were "the constituted guardians of the honor and interests of the University." They were not party men, and if they acted on party principles they were false to the

¹ It will be remembered that the blank notice sent to Governor Lincoln was enclosed in a letter to Worcester, sent before the time of the meeting had been fixed.

interests with which they were intrusted. Their action in tendering the same honors as had been received by other presidents simply showed how they wished the university to stand in relation to that officer. On the other hand, the Board of Overseers is composed largely of men chosen by the people as representatives of the parties into which they are divided. In such a Board party feelings, personal antipathies, or private griefs may exist and have influence. Suppose the Overseers had refused the degree, would not the refusal under such circumstances be laid where it would belong, upon their shoulders and not on the university?

He vigorously attacked Austin for making misleading statements in his report, in the recapitulation of the rules and in his sweeping assertions as to the mode adopted of mailing notices, and asserted that the committee, while nominally claiming that it was not their purpose to sit in judgment on any officer connected with the university, had skilfully constructed their report so that there was an accumulation of blame, real and apparent, which must fall somewhere. In response to the assertion of the committee that they wished to have it understood then and at all times that the intervention of the Board was not a nominal, but a real, substantial, and active part of the university government, he alleged that every step taken by the Corporation was in support of this claim of the committee, and in conclusion he asserted that with the full consciousness that there had been nothing wanting on the part of the president to secure the real, substantial, and efficient action of the Board of Overseers, he submitted the matter with entire confidence to the wisdom of the honorable Board.

It was quite natural that some of the more aggressive of the faculty should wish to take a hand in this contest which was attracting so much attention and concerning which, of course, they must have known every detail. On the 18th of February, 1834, Henry R. Cleveland and C. C. Felton addressed a joint note to President Quincy, offering their services to prepare a statement of the whole matter for publication in case he should wish to have anything published.

The report of the committee came up for discussion at meetings held February 6th and February 13th. In the end the "very satisfactory explanations" of the president, "under

the peculiar circumstances " then existing, were accepted, and the whole matter was indefinitely postponed.

What contemporary opinions of this transaction were may in part be inferred from a quotation from the diary of John Quincy Adams.¹ President Quincy had informed Mr. Adams that he would be invited to be present at the ceremonies at Cambridge. Concerning this he makes the following note in his diary under date of June 18, 1833 : —

" I said that the personal relations in which President Jackson had chosen to place himself with me were such that I could hold no intercourse of a friendly character with him. I could therefore not accept an invitation to attend upon this occasion. And, independent of that, as myself an affectionate child of our Alma Mater, I would not be present to witness her disgrace in conferring her highest literary honors upon a barbarian who could not write a sentence of grammar and hardly could spell his own name. Mr. Quincy said he was sensible how utterly unworthy of literary honors Jackson was, but the Corporation thought it was necessary to follow the precedent and treat him precisely as Mr. Monroe, his predecessor, had been treated. As the people of the United States had seen fit to make him their President, the Corporation thought the honors which they conferred upon him were compliments due to the station by whomsoever it was occupied. Mr. Quincy said it was thought also that the omission to show the same respect to President Jackson which had been shown to Mr. Monroe would be imputed to party spirit — which they were anxious to avoid. I was not satisfied with these reasons; but it is college ratiocination and college sentiment. Time-serving and sycophancy are qualities of all learned and scientific institutions."

Edmund Quincy says :² —

" At the time of the visit of President Monroe in 1817, it had been thought due to his high station that the University should confer upon him her highest degree. In the light of this precedent my father considered it the duty of the University to do the same honor to President Jackson. The Corporation were of the same opinion, as were such of the Overseers as could be got together at an informal meeting. . . .

" This academic action was made the occasion of much ridicule and of many virulent attacks upon my father. Party spirit which had slept for the moment soon awoke again, and the same outside influences which the next year fostered the intestine disturbances of the College seized the occasion to cast odium on him."

¹ *Memoirs of John Quincy Adams*, vol. viii. pp. 546, 547.

² *Life of Josiah Quincy*, by Edmund Quincy, pp. 453, 454.

The violence of the passions aroused by these events was entirely disproportioned to their cause. The mistakes of Quincy, the blunders of his subordinates, and the erroneous statement of the rules of the Board by Austin in the report all contributed to the confusion of the situation. To be charged, as Quincy was, with arranging the meeting of the Overseers so that only his friends could respond was probably the last thing in the world that he ever expected to be laid at his door. Independent, upright, and almost aggressive in his assertion of the right of individual freedom of action on all points, it was especially humiliating to him to find that his own course of action and the contributory blunders of others had led to these suspicions. From all this contumely it is evident that he would have escaped if he had referred the whole matter to the Board of Overseers at their meeting on the 6th of June, when the matter was practically just as ripe for determination as it was at the special meeting on the 22d, when it was impossible that the elective members should be fully represented.

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